

### REMARKS

Applicants respectfully request that the foregoing amendments be entered at least because the amendments raise no new issues requiring further search or consideration, and because the amendments place the application in condition for allowance.

Claims 27 and 29 are currently being amended. Claim 27 is being amended to be in independent form without narrowing its scope. Claim 29 is being amended to correct a clerical error without narrowing its scope. Claims 1-26, 28 and 30 are being cancelled without prejudice or disclaimer.

This amendment changes and deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 27, 29 and 31 are now pending in this application.

#### **Allowable subject matter**

Applicants appreciate the indication in the Final Office Action that claims 10, 13-25 and 27-29 contain allowable subject matter, and that claim 31 is allowed. Claim 27 has been amended to be in independent form, and is thus now in *prima facie* condition for allowance. Claim 29 depends from claim 27, and is thus also in *prima facie* condition for allowance.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1-8, 11, 12 and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/01702 to Vestin et al. (hereafter "Vestin"). Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vestin in view of WO 99/13269 to Rostrup-Nielsen et al. (hereafter "Rostrup-Nielsen"). Claim 26 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vestin in view of U.S. Patent No. 3,580,225 to Coy (hereafter "Coy"). These rejections are moot in light of the cancellation of claims 1-9, 11, 12, 26 and 30.

**Advisory Action and Notice of Non-Compliant Amendment**

The Advisory Action dated October 1, 2004 indicated that the proposed addition of new claim 32 (added in the Supplemental Amendment filed on September 21, 2004) raises new issues requiring further consideration. This issue is now moot, since the present Amendment and Reply does not add a new claim 32.

The Notice of Non-Compliant Amendment dated October 1, 2004 indicated that the Amendment filed on September 21, 2004 is considered non-compliant, and specifically stated: "Since the amendment of 9/7/04 was not entered, the amendment of 9/21/04 should have been marked relative to the immediate prior version, i.e., the amendment of 1/14/04." Applicants do not agree that the Supplemental Amendment filed on September 21, 2004 was non-compliant, at least because the Amendment filed on September 7, 2004 and the Supplemental Amendment filed on September 21, 2004 were addressed simultaneously in the Advisory Action of October 1, 2004, with no opportunity for Applicants to know whether or not the Amendment filed on September 7, 2004 would be entered. In any event, Applicants submit that the present Amendment and Reply is fully compliant.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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